

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Case No. 17 Cv 242

BITCO General Insurance Corporation,

Plaintiff,

vs.

Stephanie Southerland, Executrix of the Estate of
Kenneth E. Marks and Heavy Haul Contractors,
Inc, d/b/a TKF House Movers

Defendants.

STIPULATION OF DISMISSAL

BITCO General Insurance Company filed this action, seeking a declaration that insurance Policy CAP 3 627 875, issued to Heavy Haul Contractors, Inc., DBA TKF House Movers, does not provide coverage for the underinsured motorist claim asserted by Stephanie Southerland, Executrix of the Estate of Kenneth E. Marks, resulting from injuries that Kenneth E. Marks sustained in an automobile accident of April 7, 2016 and the alleged wrongful death of Kenneth E. Marks as a result of those injuries. The Estate of Kenneth E. Marks asserted claims against Beth Anne Geistkemper in the civil action *Stephanie Southerland, Executrix of the Estate of Kenneth E. Marks v. Beth Anne Geistkemper*, Case No. 17 CvS 3541, filed in Onslow County, North Carolina. The parties to this action do hereby stipulate that Policy CAP 3 627 875, issued by BITCO General Insurance Company, does not provide underinsured motorist coverage for the claims asserted by the Estate of Kenneth E. Marks for injuries and death allegedly resulting from the automobile accident of April 7, 2016, including such claims as the Estate of Kenneth E. Marks alleged in civil action 17 CvS 3541, filed in Onslow County, North Carolina.

The parties to this action further stipulate that this action, including all counterclaims asserted in this action, be voluntarily dismissed, with prejudice, pursuant to Rule 41(a) of the Rules of Civil Procedure, with the parties to bear their own costs.

This the 27th day of August, 2018.

/s/ B. Danforth Morton
B. Danforth Morton
N.C. State Bar No. 13050
Ennis, Baynard, Morton, Medlin & Brown, P.A.
105 Burke Ave., Ste. E
P.O. Drawer 1327
Wrightsville Beach, NC 28480
(910) 256-3992 Fax (910) 256-3578
dmorton@ennis-baynard.com

Attorney for Plaintiff, BITCO General Insurance Corporation

/s/ Auley M. Crouch, III
Auley M. Crouch, III
N.C. State Bar No. 7073
Block, Crouch, Keeter, Behm & Sayed, LLP
310 N. Front Street, Suite 200
P.O. Box 4
Wilmington, NC 28402
(910) 763-2727 Fax (910) 762-6429
acrouch@bcklawfirm.com

/s/ H. Mitchell Baker, III
H. Mitchell Baker, III
N.C. Bar No. 6990
Baker Law Firm, PLLC
5725 Oleander Drive, Suite F2
Wilmington, NC 28403
(910) 762-3000 Fax (910) 763-1139
mbaker@bakerlawfirmpllc.com

Attorneys for Defendants, Stephanie Southerland, Executrix of the Estate of Kenneth Eugene Marks and Heavy Haul Contractors, Inc. d/b/a TKF House Movers